

CATHOLIC CONFERENCE OF ILLINOIS
Defense of Marriage Legislative Update

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STATE LEGISLATIVE SUMMARY

In November and December of 2012, CCI began discussions with our lawyers and interested parties on the redefinition of marriage legislation and the need for greater religious freedom protections in statute. These meetings laid the groundwork for successful opposition to the redefinition of marriage legislation and an amendatory change in the Senate on religious freedom.

House Bill 4963 – This legislation, amended in the January lame-duck session by Senator Heather Steans (D-Chicago), stated that all Illinois law concerning marriage apply equally to marriages of “same-sex and different-sex couples.” The bill also stated that all parties to a marriage and their children, regardless of whether the marriage is of a “same-sex or different-sex couple” have the same benefits, protections, and responsibilities under law, and these parties to a marriage are included in any definition or use of terms such as “spouse,” “family,” “immediate family,” “dependent,” “next of kin,” “wife,” “husband,” “bride,” “groom,” “wedlock,” and other terms that refer to or denote the spousal relationship.

The bill was assigned to the Senate Executive Committee and was heard on January 3, 2013. Bishop Thomas Paprocki offered testimony against the bill. Although the bill passed committee, the questions regarding religious freedom raised in committee were a key factor in the sponsor’s inability to secure enough votes to move forward in the lame duck session.

Senate Bill 10 – Upon the beginning of the new General Assembly in mid-January, with larger Democratic majorities in the Senate and House, Senator Steans quickly reintroduced the exact same redefinition of marriage bill. Through intense lobbying activities, CCI and our allies were able to prevent the necessary support for the bill’s passage as introduced. Senator Steans was forced to amend the bill with added protections for religious freedoms, in particular for ensuring religious facilities would not be forced to participate in the solemnization or celebration of same-sex unions. With these changes, the bill was approved by the Senate on February 14, 2013, by a vote of 34-21-2.

Representative Greg Harris (D-Chicago) assumed sponsorship of the bill in the House and moved quickly to secure a vote in the House Executive Committee. The House Executive Committee approved the bill on February 26th by a vote of 6-5. Since that day, CCI has continued an intense lobbying and advocacy campaign against the bill. Those activities include:

- Presenting Oral Committee Testimony;
- Distributing the Question and Answer from our Toolkit on Marriage to legislators;
- Distributing the Toolkit on Marriage to parishes and other Catholic organizations throughout Illinois;
- Distributing Cardinal George’s letter on marriage to legislators;
- Distributing the letter on marriage from Religious Leaders in Illinois to legislators;
- Working closely with the Protect Marriage Coalition to identify, lobby and engage grassroots activity in the home districts of legislators key to the debate;
- Working closely with the African American Clergy Coalition to identify, lobby and engage grassroots activity in the home districts of African-American legislators key to the debate;
- Communicating with and helping direct the supportive grassroots and media efforts of the National Organization for Marriage;
- Engaging in consistent face-to-face lobbying with legislators;

- Organizing lobby days, one almost every week, for Catholic and other faith groups to come to Springfield and express their opposition to the bill;
- Defense of Marriage Department members traveled to Springfield March 6th to help lobby;
- Members of the Defense of Marriage Department presented and scheduled talks to parish groups about the Church's teachings on marriage;
- Organizing in-district meetings between key legislators and CCI staff and motivated constituents to express opposition to the bill;
- Repeatedly offer stronger religious freedom amendments to the bill's sponsors and to on-the-fence legislators as a way of both seeking greater protections and highlighting the problems with the legislation.

Unfortunately, the proponents of Senate Bill 10 are working just as hard. They have employed a professional public relations firm – run by former Obama campaign experts – to recruit media supporters and organize other high-profile supporters to engage in advocacy, including the White House. We have seen letters and emails to legislators from former President Clinton, President Obama's Organizing for America operation, members of the Illinois Congressional delegation, a wide array of business leaders and even notable sports figures like Ernie Banks and Richard Dent. They have also employed a large number of contract lobbyists with close ties to both Democratic and Republican leadership. And finally, there are active and engaged members of the legislature who lobbied their colleagues on the House floor – which we are denied access to – every day.

The intense lobbying on both sides continued every day until the very end of the legislative session. Ultimately, Representative Harris could not count on the support of a majority of the House members and announced that he would not call the bill for a vote until at least the November veto session. This was a significant victory for our efforts.

But the effort does not end here. We know the other side will continue to push, and we must match their efforts. We may not be able to match their financial resources, but we have engaged many Illinoisans and their faith communities in this effort. The recent U.S. Supreme Court decisions nullifying a key section of the Defense of Marriage Act and the remanding of the Proposition 8 case back to the California District Court garnered even more media attention and perhaps will assist our opponents as they continue to push a sense of inevitability. However, neither of those decisions found a constitutional right to same-sex marriage. The states still decide, and we have the power to ensure Illinois does not redefine marriage. Our challenge going forward is to find impactful ways to influence legislators and the population at large. Now is the time to redouble our efforts. We must continue to recognize the profound necessity of husband and wife, mother and father.

LEGAL UPDATE

On Wednesday, May 30th, 2012, the American Civil Liberties Union of Illinois and the advocacy group Lambda Legal filed two lawsuits in Cook County challenging Illinois' law defining marriage as being between one man and one woman. Those represented in the lawsuits were denied marriage licenses when they tried to apply because they were of the same sex. Their attorneys claim they should be able to marry under due process and equality clauses in Illinois' constitution, citing the recently passed civil union law and decrying the resulting system of "separate but equal."

On June 1st, 2012, the Illinois Attorney General, instead of defending the state law, filed notice in court that they would intervene on behalf of those filing suit and against the state law. Since then, a number of downstate county clerks have stepped up to defend the law. A number of other groups, including CCI and a bi-partisan group of lawmakers, have filed amicus briefs in support of the law. The schedule for hearing the case seems to have slowed considerably, perhaps to give time for a political resolution.

As mentioned previously, the United State Supreme Court heard challenges to California's Proposition 8 and the federal Defense of Marriage Act on successive days, March 26th and 27th, 2013. Their decisions in these cases are expected by the end of June.

ADMINISTRATIVE SUMMARY

The Defense of Marriage Department has begun to discuss ways to further ensure the Toolkit on Marriage is being used in parishes, schools, and other Catholic organizations to promote the unique benefits of marriage and Catholic teaching. Unfortunately, the demands of the legislative debate have taken all our attention, but now that the spring session is complete, we do have some time to refocus on this important ministry.